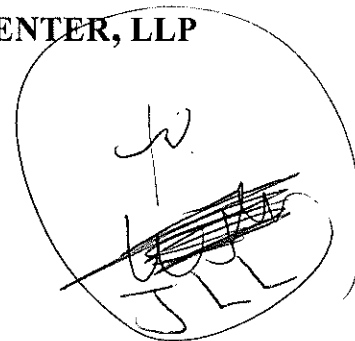


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December 20, 2004

Hon. Ronald J. Hedges
U.S. District Court, District of New Jersey
Martin Luther King, Jr. Federal Bldg. & Courthouse
50 Walnut Street, Rm. 2042
Newark, New Jersey, 07102

RE: McGovern v. Jersey City, et al.
Docket No. 98-5186
MDMC File No.: C0636-1001

Dear Judge Hedges,

This firm represents defendant James Sharrock in his capacity as Undersheriff in the above-referenced action. In further support of the summary judgment motion we filed with this court, we offer the following as a supplement to the brief in order to highlight the plaintiff's precise deposition testimony at page 151, lines 19-20, which was included as Exhibit D of the motion. There, the plaintiff admits under oath that his being scheduled to attend firearms qualification training at the pistol range on the same date as Garrison was "just a coincidence." (See attached excerpt)

For this and the reasons set forth at length in our previously filed summary judgment brief, we urge this court to grant the motion in favor of defendant James Sharrock.

Respectfully,

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Sandra D. Lovell, Esq.

cc: All Counsel of Record

-S. McGovern - redirect - Mr. Dermody- 151

1 Q. How do you -- you don't know this
2 from Sharrock. Sharrock never said this to you?

3 A. Oh, Sharrock won't approach me at
4 all.

5 Q. All right. And did someone tell this
6 to you or are you just concluding it?

7 A. Marty Budnick told it to me.

8 Q. Marty Budnick told it to you that
9 Sharrock placed you on that list so that you would
10 be in the same room --

11 A. No.

12 Q. -- with Garrison?

13 A. He said that Sharrock was going to
14 get me. When I got moved on that list Sharrock is
15 the Undersheriff in charge of training and I'm...

16 Q. Okay. What's the factual basis for
17 coming to the conclusion that Sharrock knew Garrison
18 was going to be there when you got there?

19 A. I'm sure it was just a coincidence

20 then.

21 Q. What's your -- try my question, Mr.
22 McGovern. What's the factual basis for coming to
23 that conclusion other than Marty Budnick telling you
24 that Sharrock was out to get you?

25 A. That I was moved there. There was no